

CITY OF SWEETWATER
REGULAR COMMISSION MEETING
MINUTES

MEETING DATE: FEBRUARY 6, 2012 AT 8:00 P.M. COMMISSION CHAMBERS, 500 SW 109 AVENUE

1. ROLL CALL.

Present: Manuel L. Maroño, Mayor; Commission President Jose M. Diaz; Commissioners Prisca Barreto, Jose Bergouignan, Jr., Manuel Duasso, Jose M. Guerra, Orlando Lopez and Isolina Maroño; City Attorney Ralph Ventura and City Clerk Marie Schmidt.

2. PLEDGE OF ALLEGIANCE.

President Diaz led the Pledge of Allegiance.

3. INVOCATION.

President Diaz gave the Invocation.

4. SPECIAL PRESENTATIONS.

A. PRESENTATION OF AWARDS TO WINNERS OF CHRISTMAS HOUSE PROGRAM.
(COMMISSIONER BARRETO)

HOUSE CATEGORY

First Place: Ileana Lopez, 10243 SW 7 St.

Second Place: Denni-Lazaro Hernandez, 10551 SW 7 Terr.

Third Place: Josefina Lopez, 635 SW 114 Avenue

Fourth Place: Silvio Hernandez, 11521 SW 5 St.

APARTMENTS, TOWNHOMES

First Place: Manuel Abreu, 10851 SW 2 St., K-113

Second Place: Eliza Plazas, 121 SW 109 Avenue, M-7

Third Place: Pilar San Martin, 10912 SW 3 St., #a-4

Fourth Place: Magalys Leon, 10801 SW 7 Terr. #3

MOBILE HOMES

First Place: Leoncio Seijas, 11029 NW 4 St.

Second Place: Lazaro Ponce, 11206 NW 1 St.

Third Place: Marta Barrios, 11019 NW 4 St.

Fourth Place: Gregoria Rodriguez, 11119 NW 1 Terr.

B. REPORT BY HENRY ILER, CITY'S PLANNING CONSULTANT, ON PROGRESS OF PLANNING STUDY IN THE SWEETWATER NORTH AREA.

Mr. Iler presented a written report and expanded on the newly-created Business Improvement District. He will be conducting a survey in February of a cross section of the residences and businesses in the annexed area to garner feedback on how the City is doing and how we can improve the services we are providing.

C. REPORT BY ANA RAPOSO ON PREPARATION OF INCOME TAX RETURNS IN SWEETWATER.

(COMMISSIONER BARRETO)

Ms. Raposo informed the Commission and residents that residents with incomes of \$50,000 or less can have their income tax returns prepared for free and filed electronically at the Jorge Mas Canosa Youth Center on Wednesday evenings and Saturdays until April 7th. This free program is being sponsored by Commissioner Barreto partnering with the IRS.

- D. PRESENTATION OF PLAQUE TO DR. BLANCA BURGOS OF UNIVERSAL BEAUTY SCHOOL BY COMMISSION PRESIDENT JOSE M. DIAZ.

Vice Mayor Diaz presented a plaque to Dr. Burgos for 25 years of contributions to the community through her beauty school.

- E. PRESENTATION BY JOSEPH NABAKA, STUDENTS WORKING AGAINST TOBACCO, TO RESTRICT THE SALE OF CANDY-FLAVORED TOBACCO PRODUCTS.

Withdrawn. Will be listed next month.

- F. PRESENTATION BY JOSH CALEB MAYORGA OF KNIGHT ANGELS FOUNDATION ON OFFERING FREE COMPUTER CLASSES TO LOW AND MODERATE INCOME CHILDREN.

Josh Caleb Mayorga, 11601 SW 3 Street, #103, representing the Knight Angels Foundation described the program he wishes to establish in Sweetwater which is designed to encourage children from 9 to 15 years of age to pursue a career in technology. He is offering free classes in computers as an incentive to inspire them and wants to establish Sweetwater as a leading city. Parks Director Luis Quintero offered to make his project as part of the City's summer program.

- G. PRESENTATION OF PLAQUE TO MAYOR MAROÑO BY L'IL ABNER FOUNDATION.

Raul Rodriguez, Jr., representing the L'il Abner Foundation, presented Mayor Maroño with a plaque on behalf of the Foundation in appreciation for his work and support of the Foundation.

The following candidates were introduced and allowed to make brief presentations on behalf of their candidacy:

Tanya Brinkley, candidate for County Court Judge.
Michelle Alvarez Barakat, candidate for County Court Judge.
Ivonne Cuesta, candidate for County Court Judge.

5. PRESENTATION OF EMPLOYEE OF THE MONTH AWARD.

Mayor presented the Employee of the Year Award to Silvia Maseda.

6. PRESENTATION OF OFFICER OF THE MONTH AWARD.

Officer of the Year Award to be made next month.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES.

None.

8. ADDITIONS AND DELETIONS TO THE AGENDA.

The following items were removed from the agenda by Mayor Maroño:

- K. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS WITH ILER PLANNING, INC. FOR ADDITIONAL PLANNING SERVICES; PROVIDING FOR EFFECTIVE DATE. (MAYOR MAROÑO/CHIEF OF STAFF)
- P. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH ESTRADA HINOJOSA AND COMPANY, INC. TO PROVIDE FOR SPECIFIED FINANCIAL ADVISORY SERVICES PERTAINING TO THE PURCHASE OF LAND; PROVIDING FOR EFFECTIVE DATE. (MAYOR MAROÑO) (From the additions memo)

The following items were added to the agenda under Staff Items:

- O. AUTHORIZATION TO PURCHASE FOUR POLICE VEHICLES FOR \$126,328.00 INCLUDING PURCHASE PRICE, WARRANTY, EQUIPMENT UPGRADE, EQUIPMENT INSTALLATION, PAINT AND STRIPING. (MAYOR MAROÑO)
- P. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH ESTRADA HINOJOSA AND COMPANY, INC. TO PROVIDE FOR SPECIFIED FINANCIAL ADVISORY SERVICES PERTAINING TO THE PURCHASE OF LAND; PROVIDING FOR EFFECTIVE DATE. (MAYOR MAROÑO)

Pulled by Mayor Maroño.

- Q. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE 2009 DISCRETIONARY INTEREST AND PRE-AGREEMENT LAND ACQUISITION FUNDS AGREEMENT CONTRACT EXTENSION; PROVIDING AN EFFECTIVE DATE. (MAYOR MAROÑO/GRANTS ADMINISTRATOR)

9. CONSENT AGENDA.

Upon motion by Commissioner Lopez, second by Commissioners Duasso and Guerra and unanimous vote of 7-0, Item A on the Consent Agenda was approved.

- A. APPROVAL OF MINUTES FOR THE COMMISSION MEETING OF DECEMBER 5, 2011.

Approved as presented by the City Clerk.

10. STAFF ITEMS.

- A. AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA AMENDED SECTION 42-26 OF THE CITY CODE OF ORDINANCES TO PROHIBIT PARKING ON SWALES, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE. (MAYOR MAROÑO)(SECOND READING AND PUBLIC HEARING)

The public hearing was opened. There being no persons wishing to speak, the public hearing was closed. Upon motion by Commissioner Lopez, second by Commissioner Duasso and unanimous 7-0 vote, the foregoing ordinance was adopted and assigned #3626.

- B. AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA AMENDING ORDINANCE 2983, CODIFIED AS SECTION 34-31 OF THE CITY CODE OF ORDINANCES, IN ORDER TO PROHIBIT PARKING OF MOTOR VEHICLES ON SWALES, DEFINING MOTOR VEHICLES, PROVIDING FOR

SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE. (MAYOR MAROÑO)(SECOND READING AND PUBLIC HEARING)

The public hearing was opened. There being no persons wishing to speak, the public hearing was closed. Upon motion by Commissioner Lopez, second by Commissioner Guerra and 7-0 vote, the foregoing ordinance was adopted and assigned #3627.

- C. AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA AMENDING SECTION 2-114 OF THE CITY CODE OF ORDINANCES TO BETTER DEFINE QUALIFIED PART-TIME EMPLOYEES, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE. (MAYOR MAROÑO/HUMAN RESOURCES MANAGER)(SECOND READING AND PUBLIC HEARING)

The public hearing was opened. There being no persons wishing to speak, the public hearing was closed. Upon motion by Commissioner Duasso, second by Commissioners Bergouignan and Lopez and 7-0 vote, the foregoing ordinance was adopted and assigned #3628.

- D. AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA, DELETING SECTION 1.07.00 OF THE LAND DEVELOPMENT CODE IN ITS ENTIRETY; PROVIDING FOR CODIFICATION, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (SECOND READING AND PUBLIC HEARING)

The public hearing was opened. There being no persons wishing to speak, the public hearing was closed. Upon motion by Commissioner Duasso, second by Commissioner Guerra and 7-0 vote, the foregoing ordinance was adopted and assigned #3629.

- E. AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA, AMENDING ARTICLE IX, SECTION 9.07.00 OF THE LAND DEVELOPMENT CODE OF THE CITY OF SWEETWATER BY ELIMINATING THE LIMIT OF TWO APPLICATIONS PER YEAR; BY ELIMINATING THE SMALL SCALE DEVELOPMENT PROVISION; REQUIRING THE APPLICANTS PAY THE COST OF PUBLICATIONS AND REVIEWS; PROVIDING FOR CODIFICATION, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (SECOND READING AND PUBLIC HEARING)

The public hearing was opened. There being no persons wishing to speak, the public hearing was closed. Upon motion by Commissioner Lopez, second by Commissioner Guerra and unanimous 7-0 vote, the foregoing ordinance was adopted and assigned #3630.

- F. AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA AMENDING THE CITY'S COMPREHENSIVE PLAN; MODIFYING POLICY 1.2 WITHIN THE FUTURE LAND USE ELEMENT RELATING TO DENSITY REQUIREMENTS FOR HOTEL AND UNIVERSITY HOUSING UNITS WITHIN THE MIXED USE RESIDENTIAL/COMMERCIAL FUTURE LAND USE MAP CATEGORY; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. (FIRST READING AND FIRST PUBLIC HEARING)

The public hearing was opened. There being no persons wishing to speak, the public hearing was closed. Upon motion by Commissioner Bergouignan, second by Commissioners Duasso and Lopez and unanimous 7-0 vote, the foregoing ordinance passed on first reading.

- G. AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA MODIFYING ORDINANCES NUMBERED 2984, 3004, 3161, 3329, 3486, CODIFIED AS SECTION 2-181 OF THE CITY CODE TO CLARIFY DISTRIBUTION OPTIONS AVAILABLE TO SURVIVING SPOUSE, CORRECTING AND CLARIFYING GRAMMAR, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE. (FIRST READING)(ELECTED OFFICIALS PENSION BOARD)

Upon motion by Commissioner Bergouignan, second by Commissioner Duasso and unanimous 7-0 vote, the foregoing ordinance passed on first reading.

- H. CONSIDERATION OF PROPOSAL TO ENGAGE RENEE ADWAR, P.A. AS CLOSING AND TITLE AGENT IN PURCHASE FROM IDB TO THE CITY, PREVIOUSLY APPROVED AT THE CITY COMMISSION MEETING OF JANUARY 9, 2012. (CITY ATTORNEY)

Commissioner Bergouignan declared a conflict of interest (Memorandum of Voting Conflict attached to these minutes) and left the room. Upon motion by Commissioner Guerra, second by Commissioner Duasso and unanimous 6-0 vote, the foregoing proposal was approved.

- I. AN ORDINANCE OF THE CITY OF SWEETWATER AUTHORIZING THE OPERATION OF AMUSEMENT MACHINES IN BUSINESS ESTABLISHMENTS, AUTHORIZING AMUSEMENT CENTERS, PROVIDING LIMITATIONS, PROVIDING DEFINITIONS, PROVIDING FOR INSPECTION PROCEDURES, PROVIDING FOR ENFORCEMENT, ESTABLISHING FRANCHISE, PROVIDING FOR BUSINESS TAX RECEIPTS, PROVIDING FOR LICENSES, PROVIDING PENALTIES, REPEALING §18-56 AND §18-57 OF THE CODE OF THE CITY OF SWEETWATER, PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR EFFECTIVE DATE. (COMMISSIONER LOPEZ)

Commissioner Lopez explained that these machines are presently prohibited but a number of them are located in some of the commercial establishments. The City should legalize them and collect a fee for each one. In addition, there are established game rooms in the newly-annexed area more specifically at Dolphin Mall which were allowed by Miami-Dade County. Discussion ensued on the advisability of lifting the prohibition. Upon motion by Commissioner Guerra, second by Commissioner Lopez and 4-3 vote, the ordinance passed on first reading. Commissioners Barreto, Bergouignan, and President Diaz voted against.

- J. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT WITH AMERICAN TRAFFIC SOLUTIONS, INC. FOR THE INSTALLATION AND OPERATION OF RED LIGHT CAMERAS IN THE CITY; PROVIDING FOR EFFECTIVE DATE. (MAYOR MAROÑO/CHIEF OF STAFF)

Upon motion by Commissioner Lopez, second by Commissioner Bergouignan and unanimous 7-0 vote, the foregoing resolution was adopted and assigned #3631.

- K. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS WITH ILER PLANNING, INC. FOR ADDITIONAL PLANNING SERVICES; PROVIDING FOR EFFECTIVE DATE. (MAYOR MAROÑO/CHIEF OF STAFF)

Withdrawn.

- L. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, WAIVING THE THREE BID REQUIREMENT AND ACCEPTING THE PROPOSAL OF HORSEPOWER ELECTRIC FOR THE PURCHASE OF DECORATIVE STREET LIGHTING AND INSTALLATION AND MAINTENANCE SERVICES; PROVIDING AN EFFECTIVE DATE. (MAYOR MAROÑO/CHIEF OF STAFF)

Commissioner Barreto had reservations about waiving the three bid requirement indicating that the Administration could have tried harder to get three bids. Mayor Maroño responded that the City advertised the bid, held a pre-bid conference that attracted seven companies who were interested but in the end only one bid was received. All procedures were followed as required by law and there is no guarantee if the City would go to the expense of starting the process all over again that it would yield different results. Upon motion by Commissioner Bergouignan, second by Commissioner Duasso and 6-1 vote, the foregoing resolution was adopted and assigned #3632. Commissioner Barreto voted against.

- M. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AGREEMENTS WITH WASTE PRO FOR SOLID WASTE COLLECTION AND RECYCLING SERVICES; PROVIDING AN EFFECTIVE DATE. (MAYOR MAROÑO/CHIEF OF STAFF)

Upon motion by Commissioners Lopez and Guerra, second by Commissioner Duasso and unanimous 7-0 vote, the foregoing resolution was adopted and assigned #3633.

- N. APPOINTMENT OF PLANNING AND ZONING BOARD MEMBER BY COMMISSIONER MAROÑO.
(COMMISSIONER MAROÑO)

Commissioner Maroño appointed Berta Padilla.

- O. AUTHORIZATION TO PURCHASE FOUR POLICE VEHICLES FOR \$126,328.00 INCLUDING PURCHASE PRICE, WARRANTY, EQUIPMENT UPGRADE, EQUIPMENT INSTALLATION, PAINT AND STRIPING. (MAYOR MAROÑO)

Mayor Maroño advised that in order for the bank to quote on the purchase, it needs to be approved in advance. Upon motion by Commissioner Bergouignan, second by Commissioners Duasso and Lopez and unanimous 7-0 vote, the purchase was approved. Mayor Maroño will present financing option at the next meeting.

- P. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH ESTRADA HINOJOSA AND COMPANY, INC. TO PROVIDE FOR SPECIFIED FINANCIAL ADVISORY SERVICES PERTAINING TO THE PURCHASE OF LAND; PROVIDING FOR EFFECTIVE DATE. (MAYOR MAROÑO)

Withdrawn.

- Q. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE 2009 DISCRETIONARY INTEREST AND PRE-AGREEMENT LAND ACQUISITION FUNDS AGREEMENT CONTRACT EXTENSION; PROVIDING AN EFFECTIVE DATE. (MAYOR MAROÑO/GRANTS ADMINISTRATOR)

The Commission was informed that this amendment only extends the grant program to March 31, 2012. Upon motion by Commissioner Bergouignan, second by Commissioner Lopez and unanimous 7-0 vote, the foregoing resolution was adopted and assigned #3634.

11. PETITIONS - COMMUNICATIONS - REMONSTRANCES.

- A. REQUEST OF KENNETH FALCON FOR WAIVER OF THE \$500 POLICE ADMINISTRATIVE FEE TO RELEASE HIS VEHICLE.

Mr. Falcon was present and explained his situation culminating with a request that he be reimbursed the \$500 and the cost to the towing company. His passenger, Rolando Tarzi, who was arrested along with Mr. Falcon the night the car was towed, was present to corroborate Mr. Falcon's testimony and admitted that he was the one who was at fault. The Commission discussed the sequence of events with Mr. Falcon and Mr. Tarzi after which Commissioner Lopez commented that the police officer used proper procedure in having the car towed and moved to deny the request. Commissioner Guerra seconded and the motion carried by a vote of 7-0. Mr. Falcon was advised of his options if he wishes to appeal their decision.

12. REPORTS.

A. POLICE AND CODE ENFORCEMENT REPORT.

Written report submitted.

B. PARKS AND RECREATION REPORT.

Written report submitted.

C. MAINTENANCE DEPARTMENT REPORT.

Written report submitted.

D. CITY ATTORNEY REPORT.

Proceeding with purchase of land in the recently annexed area.

E. MAYOR'S REPORT.

None.

F. COMMISSIONERS REPORT.

In response to a question on the sweeper operation, Maintenance Director Espinosa advised when Waste Pro takes over removal of trash, trash truck drivers will be used for other duties including the sweeper.

On February 18th, the American Cancer Society will hold a garage sale at Ronselli Park in the morning. In the afternoon, FIU students will join City volunteers to clean up 109 Avenue and 107 Avenue.

G. ELDERLY SERVICES PROGRAM REPORT.

Written report submitted.

H. SPECIAL PROJECTS REPORT.

Written report submitted.

I. BUILDING AND ZONING REPORT.

Written report submitted.

J. FINANCE REPORT.

Written report submitted.

K. CITY CLERK'S REPORT.

Written report submitted.

13. UNFINISHED BUSINESS.

None.

14. NEW BUSINESS.

None.

15. GOOD OF THE ORDER.

None.

16. ADJOURNMENT.

There being no further business before the City Commission, the meeting was declared adjourned at 9:42 P.M.

Marie O. Schmidt, CMC
City Clerk